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Homicide—Evidence—Testimony on Former Trial.—*State v. Smith*, 72 N. W. Rep. 279 (Ia.). After the shooting of S., one T. was accused of the crime, and had a preliminary examination before a justice of the peace, at which S. testified for the State, and identified a person other than his own wife as his assailant. In an action against the wife for the subsequent murder of S., it was competent for her to bring in against the State the testimony of S. at the examination of T. Although present defendant was not a party to the proceedings in which the testimony of her husband was given, yet S. was a witness for present plaintiff, and the admissibility of the testimony of a deceased witness depends in a large measure upon the right which the person against whom it is sought to be used had to appear in the proceeding in which it was given and cross-examine the witness. *Harrison v. Charton*, 42 Ia. 574; 1 Greenl. Ev. § 164.

Witnesses—Impeachment.—*State v. Slack*, 38 Atl. Rep. 311 (Vt.). *Held*, that in criminal cases a State may impeach its own witnesses. The public, in whose interest crimes are prosecuted, are as much concerned that the innocent should be acquitted as that the guilty should be convicted. Thus it is the duty of the State to produce and use all witnesses within reach of process, whose testimony will throw light upon the transaction under investigation, and aid the jury in arriving at the truth, whether it makes for or against the accused. *State v. Magoon*, 50 Vt. 333; *State v. Harrison*, 66 Vt. 523, 29 Art. 803. Cf. also case preceding.

MISCELLANEOUS.

Interstate Commerce—Original Package—Liquors.—*Guckenheimer et al. v. Sellers*, 81 Fed. Rep. 997 (S. C.). An original package, within the meaning of the Interstate Commerce Act, is an unbroken package in precisely the same condition and shape in which it was delivered to the transportation company for carriage, whether bottle, box, barrel or crate. The barrels and boxes, and not the bottles are the original packages, even where the bottles are separately wrapped and marked "original package," but put in barrels and boxes and shipped (*Keith v. State*, 91 Ala. 2). But a single bottle, however small, if packed separately and shipped singly, may be an original package and will receive the protection of the courts (*In re Beine*, 42 Fed. 546). This latter case is at variance with *Com. v. Paul*, 170 Pa. St. 284, and *Com. v. Schallenberger*, 156 Pa. St. 201, but is considered the better law.

Riparian Rights—Navigable Waters—Trespass—Rights of Hunters.—*Hall v. Alford*, 72 N. W. Rep. 137 (Mich.). In an action for trespass for shooting ducks by means of decoys near an island and within the channel of the river the court *held* that the defendant had the right to use the waters for the purpose of a public highway, but that he had no right to interfere with the plaintiff's use thereof for hunting, which belonged to him as riparian owner. As the defendant was not using the waters for the purpose of navigation and as the rights of the riparian owner are subject only to the public use for the purpose of navigation (*Browning Co. v. Jarvis*, 30 Mich. 308), the actions of the defendant constituted a trespass. *Sterling v. Jackson*, 69 Mich. 488, 37 N. W. Rep. 845.

Grand Juries—Secrecy of Proceedings.—*State v. Bowman*, 38 Atl. Rep. 331 (Me.). *Held*, that an indictment is invalidated by the presence of an official stenographer during the testimony of witnesses before a grand jury,